

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC, and Bernard L. Madoff,

Plaintiff,

v.

THE PUBLIC INSTITUTION FOR SOCIAL
SECURITY,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01002 (CGM)

**STIPULATION AND ORDER
EXTENDING DEFENDANT'S TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”), and Defendant The Public Institution for Social Security (“**PIFSS**”), through their respective undersigned counsel.

RECITALS

A. On February 25, 2022, PIFSS filed its *Motion to Dismiss the Complaint* in this Adversary Proceeding, No. 12-01002 (CGM), together with an accompanying declaration and memorandum of law in support [ECF Nos. 116–118].

B. On May 26, 2022, PIFSS filed the *Motion to Strike Declaration of Brian W. Song and Song Exhibits 1–13*, together with an accompanying memorandum of law in support [ECF Nos. 129–130].

C. On August 17, 2022, following briefing by the parties and oral argument, this Court issued its *Memorandum Decision Denying Defendant’s Motion to Dismiss and Motion to Strike* [ECF No. 149].

D. On September 1, 2022, based on the Memorandum Decision, this Court entered its *Order Denying The Public Institution for Social Security’s Motion to Dismiss the Complaint and Motion to Strike the Declaration of Brian W. Song* [ECF No. 150] (the “**September 1, 2022 Order**”).

E. Under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the September 1, 2022 Order is fourteen (14) days after entry of the order, *i.e.*, on September 15, 2022.

F. PIFSS seeks an extension of time to file such notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.

G. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party’s motion that is filed within the time prescribed by Rule 8002, *i.e.*, by September 15, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to October 6, 2022.

H. No previous motion for an extension of time to file such notice of appeal has been made.

I. The Trustee consents to PIFSS' request to extend its time to appeal to October 6, 2022.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by PIFSS for extension of time for filing (a) a notice of appeal of the September 1, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the "**Required Filings**"), through and including October 6, 2022 (the "**Extended Filing Deadline**").

2. The Trustee consents to PIFSS' motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if PIFSS wishes to appeal the September 1, 2022 Order, PIFSS shall make the Required Filings by the Extended Filing Deadline.

Dated: New York, New York
September 8, 2022

/s/ Brian W. Song
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*Attorneys for Defendant The Public
Institution For Social Security*

IT IS SO ORDERED.

**Dated: September 12, 2022
Poughkeepsie, New York**



/s/ **Cecelia G. Morris**

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**